



92 AF

Response under 37 C.F.R. § 1.116  
Expedited Procedure  
Examining Group 3721

PATENT  
ATTORNEY DOCKET: 47121-0097

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Heikki SAHA ) Confirmation No.: 6390  
Application No.: 10/824,606 ) Group Art Unit: 3721  
Filed: April 15, 2004 ) Examiner: T. Truong  
For: ROCK DRILLING RIG AND ROCK )  
BREAKING MACHINE )

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Window, Mail Stop AF  
Alexandria, VA 22314

Sir:

**NOTICE OF APPEAL TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the  
decision of the Examiner dated August 1, 2006 rejecting claims 1-10.

1. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. §  
1.136(a) apply.

- ☒ Applicant believes that no extension of time is required. However, this  
conditional petition is being made to provide for the possibility that Applicants  
have inadvertently overlooked the need for a petition and fee for extension of  
time.

11/01/2006 SZEWDIE1 00000020 10024606

01 FC:1401

500.00 OP

- ☐ Applicant requests an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

| <u>Total Months Requested</u>         | <u>Fee for Extension</u> | <u>[Fee for Small Entity]</u> |
|---------------------------------------|--------------------------|-------------------------------|
| <input type="checkbox"/> one month    | \$ 120.00                | \$ 60.00                      |
| <input type="checkbox"/> two months   | \$ 450.00                | \$ 225.00                     |
| <input type="checkbox"/> three months | \$ 1,020.00              | \$ 510.00                     |
| <input type="checkbox"/> four months  | \$ 1,590.00              | \$ 795.00                     |

If an additional extension of time is required, please consider this a Petition therefor.

2. Notice of Appeal Fee – 37 C.F.R. § 41.20(b)(1)

- ☒ The fee in the amount of \$500.00 to cover the Notice of Appeal fee is enclosed.
- ☐ The Commissioner is authorized to charge the Notice of Appeal fee of \$500.00 to Deposit Account No. 50-0573.

3. Fee Payment

- ☒ Enclosed is a check in the amount of \$500.00, representing the notice of appeal fee.
- ☐ The Commissioner is authorized to charge Deposit Account No. 50-0573 in the amount of \_\_\_\_\_ for the Notice of Appeal fee.

4. Constructive Petition

- ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**DRINKER, BIDDLE & REATH LLP**

Dated: October 31, 2006

By: 

Peter J. Sistare

Registration No. 48,183

**Customer No. 055694**  
**DRINKER, BIDDLE & REATH LLP**  
1500 K Street, N.W., Suite 1100  
Washington, D.C. 20005-1209  
Tel: (202) 842-8800  
Fax: (202) 842-8465